

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

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ALAN B. MARCUS, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

J.C. PENNEY COMPANY, INC., MYRON E.  
ULLMAN, III and KENNETH H. HANNAH,

Defendants.

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ERHAN ERDEM, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

J.C. PENNEY COMPANY, INC., MYRON E.  
ULLMAN, III and KENNETH H. HANNAH,

Defendants.

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BRUCE MURPHY, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

J.C. PENNEY COMPANY, INC., MYRON E.  
ULLMAN, III and KENNETH H. HANNAH,

Defendants.

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Civil Action No.: 6:13-CV-736-KNM

Civil Action No.: 6:13-CV-00750-KNM

Civil Action No.: 6:13-CV-00800-KNM

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SHAWN GILBERT, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

J.C. PENNEY COMPANY, INC., MYRON E.  
ULLMAN, III and KENNETH H. HANNAH,

Defendants.

Civil Action No.: 6:13-CV-810-KNM

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE, that lead plaintiff movant Heath Clute (“Clute”), having reviewed the competing lead plaintiff motions, hereby withdraws his lead plaintiff motion, as Clute does not appear to have the largest financial interest. This notice shall have no effect on, and is without prejudice to, Clute’s status as a member of the proposed class, including but not limited to the right to share in any recovery from the resolution of this litigation through settlement, judgment, or otherwise.

If for any reason, no other application for appoint as lead plaintiff is granted, Clute stands ready, willing, and able to represent the proposed class as Lead Plaintiff.

Dated: December 9, 2013

Respectfully submitted,

THE LAW OFFICES OF ROCKY LAWDERMILK

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